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CLERK US DISTRICT COURT
DISTRICT OF ARIZONA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,

Plaintiff,

vs.

Danny Duarte Zarate,

Defendant.

CR23-01693 TUC-RM(LCK)

INDICTMENT

VIO: 26 U.S.C. §§ 5841, 5845(a)(2),
5861(d), and 5871
(Possession of Unregistered Firearm)
Count 1

18 U.S.C. §§ 922(g)(1) and 924(a)(8)
(Felon in Possession of a Firearm)
Count 2

26 U.S.C. § 5872;
18 U.S.C. § 924(d)
28 U.S.C. § 2461(c)
(Forfeiture)

THE GRAND JURY CHARGES:

COUNT 1

On about August 20, 2023, at or near Tucson, in the District of Arizona, DANNY DUARTE ZARATE knowingly possessed a firearm as defined in Title 26, United States Code, Section 5845; that is: one (1) Remington model 870 Express Magnum 12-gauge shotgun, with the buttstock removed, converting the shotgun to a weapon made from a shotgun with an overall length of less than 26 inches as modified, not registered to ZARATE in the National Firearms Registration and Transfer Record.

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1 All in violation of Title 26, United States Code, Sections 5841, 5845(a)(2), 5861(d),
2 and 5871.

3 **COUNT 2**

4 On or about August 20, 2023, in the District of Arizona, defendant DANNY
5 DUARTE ZARATE, knowing he had previously been convicted of a crime punishable by
6 imprisonment for a term exceeding one year, knowingly possessed a firearm in and
7 affecting interstate commerce, to wit: one (1) Remington model 870 Express Magnum 12-
8 gauge shotgun, with the buttstock removed.

9 All in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(8).

10 **FORFEITURE ALLEGATION**

11 Upon conviction of Count One of the Indictment, the defendant, DANNY DUARTE
12 ZARATE, shall forfeit to the United States pursuant to Title 26, United States Code,
13 Section 5872, and Title 28, United States Code, Section 2461(c), any firearms involved in
14 the commission of the offense, including, but not limited to: one (1) Remington model 870
15 Express Magnum 12-gauge shotgun, with the buttstock removed.

16 Upon conviction of Count Two of the Indictment, the defendant, DANNY
17 DUARTE ZARATE, shall forfeit to the United States pursuant to Title 18, United States
18 Code, Section 924(d) and Title 28, United States Code, Section 2461(c), any firearms and
19 ammunition involved in the commission of the offense, including, but not limited one (1)
20 Remington model 870 Express Magnum 12-gauge shotgun, with the buttstock removed.

21 If any of the property described above, as a result of any act or omission of the
22 defendant: a) cannot be located upon the exercise of due diligence; b) has been transferred
23 or sold to, or deposited with, a third party; c) has been placed beyond the jurisdiction of
24 the court; d) has been substantially diminished in value; or e) has been commingled with
25 other property which cannot be divided without difficulty, it is the intent of the United
26 States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title
27 28, United States Code, Section 2461(c), to seek forfeiture of any other property of said
28

1 defendant up to the value of the above forfeitable property, including, but not limited to,
2 all property, both real and personal, owned by the defendant.

3 All pursuant to Title 26, United States Code, Section 5872, and Title 28, United
4 States Code, Section 2461(c).

6 A TRUE BILL

8 /s/
9 FOREPERSON OF THE GRAND JURY
Date: November 1, 2023

REDACTED FOR
PUBLIC DISCLOSURE

10 GARY M. RESTAINO
11 United States Attorney
12 District of Arizona

13 /s/
14 ADAM D. ROSSI
15 Assistant United States Attorney